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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Telephone Number Portability) CC Docket No. 95-116
) RM 8535

COMMENTS OF THE
CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION
ON THE PETITIONS FOR RECONSIDERATION

The Cellular Telecommunications Industry Association ("CTIA") respectfully submits these comments on the Petitions for Reconsideration of the Commission's *First Report and Order* in the above-captioned proceeding.¹

As CTIA noted in its Petition,² the Commission erred in adopting separate number portability implementation obligations for local exchange carriers ("LECs") and commercial mobile radio service ("CMRS") providers. While LECs must offer long-term service provider portability in the 100 largest Metropolitan Statistical Areas ("MSAs") commencing by December 31, 1998, and thereafter (in smaller MSAs and rural areas) within six months after a specific

¹ Telephone Number Portability, First Report and Order in CC Docket No. 95-116 (rel. July 2, 1996) ("Order").

² Petition for Clarification and/or Reconsideration of the Cellular Telecommunications Industry Association, CC Docket No. 95-116 (August 21, 1996).

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request by another telecommunications carrier, all cellular, broadband PCS, and covered SMR carriers must offer service provider portability in every one of their markets, both urban and rural, by June 30, 1999.³

Under the Commission's implementation schedule, CMRS providers are subject to a much broader obligation than the LECs. CTIA is concerned that CMRS providers will lack the technical capability to provide number portability in the absence of a regional data base created to support LEC number portability.⁴ CTIA therefore urged the Commission, on reconsideration, to revise the obligations imposed on CMRS providers to more closely mirror the LEC requirements. CMRS providers only should be required to provide number portability in smaller markets upon creation of a regional database that includes both LEC and CMRS numbers.

CTIA also asked the Commission to reconsider its limited grant of authority given to the Chief, Wireless Telecommunications Bureau, and instead grant to the Chief of the Wireless Bureau delegated authority to waive or stay any of the dates of the implementation schedule for an unlimited period of time based on the requisite showing by the CMRS industry that the schedule established by the Commission in

³ Id. at 88-89.

⁴ CTIA Petition at 3.

the Order is not achievable.⁵ There is broad support from other petitioners for this relief.⁶ As CTIA previously noted, the nine month period is totally arbitrary. It was established without any support from the record, and it is not predicated on any analysis of the wireless industry's ability to comply with the mandated implementation schedule.

Finally, a number of petitioners urge the Commission to preempt inconsistent state requirements.⁷ CTIA strongly supports these Petitions. Section 251(e)(1) of the Communications Act, as amended, grants the Commission exclusive jurisdiction over numbering issues, and provides the legal basis for federal preemption of state efforts to impose differing number portability standards. CMRS systems provide wireless customers with location portability (i.e., nationwide roaming) through nationwide IS-41 networks. As CTIA previously has noted, modifying the IS-41 signaling protocol to accommodate multiple number portability architectures will add immense complexity to CMRS carriers' already challenging obligation to provide service provider

⁵ CTIA Petition at 5-8.

⁶ See AirTouch Communications Petition at 13; Bell Atlantic NYNEX Mobile Petition at 9; SBC Communications Petition at 13. Accord GTE Petition for Clarification and Reconsideration at 24 (the Commission should adopt targets, not deadlines).

⁷ See Bell Atlantic NYNEX Mobile Petition at 10-11; NEXTEL Communications Petition at 3-5.

portability by June 30, 1999. Moreover, CMRS licensees commonly operate systems that cross state lines. It is not clear how these multistate systems can accommodate multiple portability architectures and service requirements. Even if such multistate, multi-architecture operation is possible, inconsistent state policies will add unnecessary complexity and dramatically increase implementation costs for multi-state CMRS service providers.⁸

Accordingly, CTIA respectfully requests that the Commission reconsider these important aspects of its decision to impose number portability requirements on CMRS providers.

Respectfully submitted,



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September 27, 1996

⁸ See NEXTEL Petition at 4.

CERTIFICATE OF SERVICE

I, Michael F. Altschul, hereby certify that on this 27th day of September, 1996, copies of the foregoing Comments of the Cellular Telecommunications Industry Association on the **Petitions for Reconsideration** were served upon the parties listed below.



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